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13 Attorneys for Defendant

14 Nintendo of America Inc.

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **OAKLAND DIVISION**

18 **OLYMPIC DEVELOPMENTS AG, LLC,**

19 **Plaintiff,**

20 **v.**

21 **NINTENDO OF AMERICA INC.,**

22 **Defendants.**
23

Case No. 4:11-cv-00329-SBA

**~~[PROPOSED]~~ ORDER DENYING
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASE
SHOULD BE RELATED**

1
2 On April 7, 2011, Plaintiff Olympic Developments AG, LLC ("Olympic") filed an
3 Administrative Motion To Consider Whether Case Should Be Related. Specifically, Olympic
4 requests that this Court consider whether the instant case should be related to *Olympic*
5 *Developments AG, LLC v. Sony Computer Entertainment of America*, Case No. 3:11-cv-01080-
6 JCS. Defendant Nintendo of America Inc. ("NOA") filed an Opposition to Olympic's Motion on
7 April 11, 2011.

8 Having reviewed Olympic's Motion, NOA's Opposition, the files and records of this Court,
9 the Court hereby finds that the two cases involve different parties and different accused products,
10 and therefore do not concern substantially the same property, transaction or event as required by
11 LR 3-12(a)(1). Moreover, because the defendants and accused products are different, and because
12 the defendants are likely to have competing interests and strategies, and are entitled to present
13 individualized assaults on questions of non-infringement, invalidity, and claim construction,
14 conducting the cases before different judges is not likely to cause unduly burdensome duplication
15 of labor and expense or potentially conflicting results.

16 The Court therefore DENIES Olympic's Administrative Motion To Consider Whether Case
17 Should Be Related.

18 IT IS SO ORDERED.

19
20 Date: 4/19/11



Hon. Sandra Brown Armstrong
United States Judge